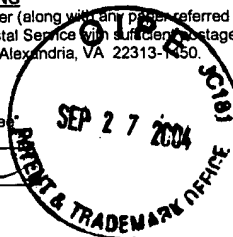


**CERTIFICATE OF MAILING**  
I hereby certify that on Sept 23, 2004, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ 37 C.F.R. § 1.8(a)  
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Margaret M. Hasson



**PATENT**  
**Attorney Docket No.: 51298-00001**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Birdsall et al.

**Serial No.:** 10/701,262

**Filed:** November 3, 2003

**Title:** METALLIC COMPOSITE COATING FOR  
DELIVERY OF THERAPEUTIC AGENTS  
FROM THE SURFACE OF  
IMPLANTABLE DEVICES

**Conf. No.:** 6117

**Examiner:** Unknown

**Art Unit:** 1742

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

09/28/2004 HGUTEMA1 00000011 10701262

03 FC:2453

665.00 OP

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

In this case, a Notice to File Missing Parts of Nonprovisional Application Filed Under 37 C.F.R. 1.53(b) was mailed on February 4, 2004 for which there was a final response date of August 4, 2004. A response to this Notice was not filed by August 4, 2004, therefore, this application technically became abandoned on August 5, 2004.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

1. Petition Fee

☒ Small Entity – fee \$ 665.00 (37 CFR 1.17(m))

☒ Small entity status claimed (see 37 CFR 1.27)

☐ Other than small entity – fee \$1,300.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted action in the form of the surcharge of \$65.00 under 37 CFR 1.16(e) for filing a late oath or declaration; a Petition for a Four Month

Extension of Time, including the patent application extension fee under 37 C.F.R. 1.17(a)(4) of \$740.00 (small entity); a Response to the Notice to File Missing Parts of Nonprovisional Application; a copy of the Notice to File Missing Parts of Nonprovisional Application and a Combined Declaration, Power of Attorney and Petition, executed by all inventors.

☐ has been filed previously on \_\_\_\_\_.

☒ is enclosed herewith.

B. The Issue fee of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_.

☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20 (d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith.

4. Payment of fee

☒ Fees of \$665.00, \$65.00 and \$740.00 are enclosed as one check in the amount of \$1,470.00.

☒ Charge Account 50-3207 for any additional fee required.

☐ Charge Account 50-3207 the sum of ☐ \$650.00. ☐ \$1,300.00.

A duplicate of this petition is attached.

5. Statement. The entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition under 37 CFR 1.137 (b) was unintentional. Favorable consideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance this application to prosecution. The Director is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3207 associated with this response.

Respectfully submitted,

PRESTON GATES & ELLIS, LLP

Date 9/23/09

By: 

LOUIS CULLMAN  
Attorney for Applicant  
Registration No. 39,645

Contact information below for inquiries  
regarding the above submission:

**Customer Number 45,200**

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Irvine, California 92614-7319  
(949) 253-0900 Telephone  
(949) 253-0902 Fax

Enclosures: The Fees of \$665.00, \$65.00 and \$740.00 are enclosed as one check in the amount of \$1,470.00; Petition for Extension of Time (4 months); Combined Declaration, Power of Attorney and Petition; Response to Missing Parts of Nonprovisional Application; copy of the Notice to File Missing Parts of Nonprovisional Application; Application Data Sheet; Fee Transmittal, and Transmittal.